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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,248	12/15/2003	Shailesh B. Gandhi	BOC9-2003-0064 (433)	4659
40987	7590	08/02/2007	EXAMINER	
AKERMAN SENTERFITT			MCFADDEN, SUSAN IRIS	
P. O. BOX 3188			ART UNIT	PAPER NUMBER
WEST PALM BEACH, FL 33402-3188			2626	
			MAIL DATE	DELIVERY MODE
			08/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/736,248	Applicant(s) GANDHI ET AL.	
	Examiner Susan McFadden	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1 and 12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to an algorithm, per se, or program performing such or medium resulting from such. Claims to processes that do nothing more than solve mathematical problems or manipulate abstract ideas or concepts are non-statutory. If the "acts" of a claimed process manipulate only numbers, abstract concepts or ideas, or signals representing any of the foregoing, the acts are not being applied to appropriate subject matter. *Schrader*, 22 F.3d at 294-95, 30 USPQ2d at 1458-59. Thus, a process consisting solely of mathematical operations without some claimed practical applications drawn to non-statutory subject matter. In this case, the claims merely recite a step of "... identifying the sound signal...", without any practical application being recited.

The features of the invention that would render the claimed subject matter statutory if recited in the claim is to include data input to the system and how it is measured and converted to the desired data. This would place the claims into a so-called "safe harbor" by requiring a physical act outside a computer (the physical input of speech and subsequent change of physical attributes thereof).

Another option would be to add limitations that indicate the practical use of the resultant data in an overall system.

For the claimed process to be statutory, the claim must either: (A) result in a physical transformation outside the computer for which a practical application is either

disclosed in the specification or would have been known to a skilled artisan (pre-computer or post-computer process activity), or (B) be limited to a practical application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7,9,10,12-18, and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Dildy (6,263,311), cited by Applicant.

In regard to claims 1,2,12, and 13, Dildy shows in Figure 2, a system, computer readable medium, and method for monitoring a security event comprising: receiving a sound signal within the speech recognition engine (item 220, Fig. 1, item 140), determining at least one attribute (item 230), comparing the attribute with an acoustic model associated with a security event (item 240), identifying the sound signal as the security event according to said comparing step (item 250), and notifying a user over a specified channel about the security event (item 260).

In regard to claims 3-7 and 14-18, Dildy inherently show notifying the user of a system failure by sending a message describing the detected security event over a specified communications channel, which can include sending a recording of the sound signal with the message, and that the communication channel is an Internet communication channel or a wireless communication channel and a telephony channel. (col. 7, ln 50-67).

In regard to claims 9-10 and 20-21, Dildy show that said receiving step comprising detecting an acoustic sound through a transducer communicatively linked to the speech recognition engine, wherein said sound signal specifies a sound of an alarm. (Fig. 1, item 110A),

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8,11,19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dildy in view of Klein et al. (6,064,303).

In regard to claims 8 and 19, Dildy shows the system and method discussed above. Dildy do not specifically show that a personal computer is used. Klein et al. show a personal computer based home security system (Abstract). Therefore, it would be obvious to one of ordinary skill in the art to add this feature because it provides an inexpensive, unobtrusive device for monitoring home security (col. 1, ln 30-35).

In regard to claims 11 and 22, Dildy shows the system and method discussed above where voices are used. Dildy do not specifically show that the sound signal specifies a sound of glass breaking, a person walking, or an animal noise. Klein et al. show a personal computer based home security system that can detect breaking glass or environmental noises (col. 4- 5). Therefore, it would be obvious to one of ordinary


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skill in the art to add this feature because it provides more sound recognition noises that will make the security system more efficient (col. 1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 571-272-7621. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Susan McFadden
Primary Examiner
Art Unit 2626

July 25, 2007